

Remarks

Claims 1-4, 6 And 7, As Amended, Do Not Claim The Same Invention As Claims 1-4, 5 And 6 Of U.S. Patent No. 6,285,860

Claims 1-4, 6 and 7 have been rejected under 35 U.S.C. §101 as being directed to the same invention as that of claims 1-4, 5 and 6 of U.S. Patent No. 6,285,860 of Szarka et al. Applicants have amended claims 1-4, 6 and 7 to obviate the "same invention" rejection of these claims and to more particularly point out and distinctly claim the subject matter which they regard as their invention.

Claims 1-4 of the prior Szarka patent require a transmitter which includes circuitry for generating a continuous radio signal. Claims 1-4 of the present application have been amended to recite a "transmitter ...including circuitry for generating a radio signal in periodic bursts". Similarly, claim 5 of the prior Szarka patent requires a transmitter that is used to generate a continuous radio signal. Claim 6 of the present application has been amended to recite a transmitter that is used "to generate a radio signal in periodic bursts ...". Finally, claim 6 of the prior Szarka patent requires a plurality of transmitters, each including circuitry for simultaneously issuing a continuous radio signal. Claim 7 of the present application has been amended to require that the transmitters each include "circuitry for simultaneously issuing a radio signal in periodic bursts. Applicants submit that these amendments clearly distinguish the invention which is the subject of claims 1-4, 6 and 7 from that of the prior patent's claims 1-4, 5 and 6. For the reasons stated hereinabove, Applicants request that this rejection of their claims 1-4, 6 and 7 based upon the prior Szarka patent be withdrawn and that claims 1-4, 6 and 7, as amended, be allowed.

Claims 1-8, As Amended, Are Not Indefinite

Claims 1-8 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as their invention. Applicants have now amended all of their claims to remove the term considered indefinite.

Applicants respectfully submit that all of their claims, as now presented, are patentable over the prior art references cited in the Office Action, including those made of record but not relied upon. Applicants respectfully request, therefore: (1) that the objections to claims 5 and 8 be withdrawn in view of the amendments of those claims and the submission of a Terminal Disclaimer; (2) that the §101 rejection of claims 1-4, 6 and 7 be withdrawn in view of the amendments of those claims; (3) that the §112 rejection of claims 1-8 be withdrawn in view of the amendments of those claims; and (4) that claims 1-8, as now presented, be allowed.

Respectfully submitted,



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